

Senate Finance, Ways and Means Committee Amendment #2

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2469*

House Bill No. 2492

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-50-311(a). Any person who is fifteen (15) years of age or older, who has successfully passed the standard written test and visual examination for applicants of a state automotive license, and who has the written approval of such person's parent or legal guardian may be issued a learner's permit by the department of safety. A learner's permit shall permit such person to operate an automobile whenever such person is accompanied by a person who is at least twenty-one (21) years of age and is licensed to operate an automobile. A person with a learner's permit shall not operate a motor vehicle from 10:00 p.m. to 6:00 a.m.

(b) A person may be issued an intermediate level I driver license if such person is sixteen (16) years or older and has:

(1) Had a learner's permit for not less than one hundred eighty (180) days or has been licensed to drive in another state for at least ninety (90) days;

(2) Not incurred a moving violation resulting in a conviction or been involved in an accident for which the official police report indicates a moving violation on the part of the person during the one hundred eighty (180) day period immediately preceding application. If the department receives notification of a conviction or involvement in an accident after issuing a level I license, the driver

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shall be ineligible to receive an unrestricted driver license for an additional ninety (90) days from the time such driver would otherwise be eligible to obtain such license;

(3) Not incurred a conviction or adjudication of a drug, alcohol, safety belt, or other driver-related, safety-related offense;

(4) Presented certification by a driver or drivers with a valid unrestricted driver license that such person has accumulated not less than fifty (50) hours of behind-the-wheel experience of which not less than ten (10) hours shall be at night; and

(5) Successfully demonstrated such person's ability to exercise ordinary and reasonable control in the operation of an automobile.

(c) Except as otherwise provided by this section, a driver may apply for an unrestricted driver license nine (9) months after receiving an intermediate level I driver license.

(d) The department of safety shall promulgate certificates to be completed by a driver or drivers with a valid unrestricted driver license pursuant to subsection (b)(4). For the purposes of issuing an intermediate level I driver license the department of safety shall only accept certificates promulgated by the department for this purpose.

(e)(1) A person issued an intermediate level I driver license shall not operate a motor vehicle from 11:00 p.m. to 6:00 a.m. unless:

(A) Accompanied by a parent or legal guardian;

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(B) A licensed driver over the age of twenty-one (21) designated by the parent or legal guardian; or

(C) To or from scheduled specifically-identified school-sponsored activities and events, if such driver has in his or her possession written permission from such driver's parent or legal guardian authorizing the driver to go or from such specifically-identified scheduled school-sponsored activities and events. The person who signs the minor's permit application pursuant to Section 55-50-312(a)(1) shall be fully responsible and liable for any property damage and personal injury which are the results of the actions of such minor while operating a motor vehicle.

(2) In addition to the provisions of subdivision (1), a person issued an intermediate level I driver license shall not operate a motor vehicle with more than one (1) passenger in such motor vehicle unless:

(A) One (1) or more of the passengers are twenty-one (21) years or older; or

(B) The passengers are brothers, sisters, stepbrothers or stepsisters of the driver and the driver has in his or her possession a letter from the driver's parent or legal guardian authorizing such passengers to be in the motor vehicle for the sole purpose of going to or from school.

(f) Upon conviction for a moving violation, a motor vehicle accident in which a person with an intermediate level I driver license is at fault, or a second safety belt violation pursuant to Section 3 of this act, the driver shall be ineligible to receive an unrestricted driver license for an additional period of ninety (90) days. If the department receives notification of such conviction

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after issuing an unrestricted driver license, the department has the authority to suspend such license and issue the driver an intermediate level I license for a period of ninety (90) days.

(g) Upon a second conviction for a moving violation, a person shall complete a certified driver education course before such person is eligible to obtain an unrestricted driver license.

(h) For the purpose of determining the date of a moving violation or a safety belt violation, the date of the conviction or the receipt of a plea of guilty shall be used.

(i) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of any provision of this section.

(j) Any driver who has a forged or fraudulent letter or other written statement of approval shall be in violation of this act and shall, upon conviction, have such driver's intermediate license revoked and be issued a learner's permit until such driver reaches the age of eighteen (18). Upon reaching the age of eighteen (18) such driver may apply for an unrestricted license if such driver meets all of the other requirements of this chapter.

(k) The provisions of this section shall not apply to any person under the age of eighteen (18) who has graduated from high school. A person under the age of eighteen (18) who has graduated from high school may, if such person otherwise meets the requirements of this chapter, obtain an unrestricted license.

SECTION 2. The court in which a conviction is entered for a moving violation, a motor vehicle accident, or a second safety belt violation pursuant to Section 3 of this act shall send notification of such conviction to the designated parent or legal guardian of a person with a learner's permit or intermediate driver license.

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SECTION 3. Tennessee Code Annotated, Section 55-9-603, is amended by adding the following as a new subsection thereto:

() (1) Notwithstanding the provisions of subsection (b), no person with a learner's permit or an intermediate level driver license shall operate a passenger motor vehicle in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(2) Notwithstanding the provisions of subsection (f), a law enforcement officer shall not be required to stop a person with a learner's permit or intermediate driver license for a separate violation of law before issuing a citation or warrant for arrest for a violation of this section.

(3) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of any provision of this subsection.

SECTION 4. The photo identification license issued to persons with an intermediate level driver license shall be laminated and shall have an amber-colored code which details the restrictions upon such intermediate level driver license.

SECTION 5. The commissioner shall determine the costs of designing, manufacturing and issuing driver licenses pursuant to this act and shall set the fees for the issuance of such driver licenses in such amount to ensure that the fiscal impact of the issuance of such licenses is minimal.

SECTION 6. The commissioner shall, upon receiving an accident report of an accident occurring in this state which has resulted in death, and upon determining there is a reasonable

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possibility of a judgment, adjudication or conviction against an operator who has a graduated driver license, revoke the license of the operator and shall issue to such operator a learner's permit. Such operator shall retain a learner's permit until the operator reaches the age of eighteen (18). Upon reaching the age of eighteen (18) a driver can apply for an unrestricted driver license.

SECTION 7. Tennessee Code Annotated, Section 55-50-312(a), is amended by deleting subdivision (3) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 55-50-321(a), is amended by adding the language ", intermediate driver license," between the language "instruction permit" and the language "and photo identification".

SECTION 9. Tennessee Code Annotated, Section 55-50-351, is amended by deleting the first sentence of such section in its entirety and by substituting instead the following:

Every licensee shall have such licensee's license in immediate possession at all times when operating a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the state, county or municipality, except that where the licensee has previously deposited the license with the officer or court demanding bail, and has received a receipt from the officer or the court, the same is to serve as a substitute for the license until the specified date for court appearance of licensee or the license is otherwise returned to the licensee by the officer or court accepting the same for deposit.

SECTION 10. This act shall take effect January 1, 1999, the public welfare requiring it. Any person who has a learner's permit or a driver license upon the effective date of this act shall

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not be subject to the provisions of this act. Any person who has a hardship license shall be subject to the provisions of this act unless such person is fifteen (15) years old upon the effective date of this act.

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